

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST KIRK, et al.,

Plaintiffs,

Hon. Paul L. Maloney

v.

Case No. 1:17-cv-00589-PLM-PJG

CALHOUN, COUNTY OF, et al.,

Defendants,

ORDER

This matter is before the Court on plaintiffs' motion to compel unredacted documents they subpoenaed from the Calhoun County Prosecutor's Office. (ECF No. 60). The Calhoun County Prosecutor's Office has responded. (ECF No. 62). The Court conducted a hearing today at which counsel for plaintiffs and counsel for the prosecutor's office appeared. Having considered their oral and written submissions, and for the reasons stated on the record, the motion is being held in **ABEYANCE** pending the Court's *in camera* review of the redacted information to determine whether the information is properly subject to the attorney work product doctrine. Accordingly,

IT IS ORDERED that the Calhoun County Prosecutor's Office shall, **within fourteen days of the date of this Order**, provide to the undersigned judicial officer a copy of all relevant documents highlighting the information to which the

prosecutor's office is asserting work-product protection. **This document shall be filed under restricted access.** The Court's review of that information will be limited to determining whether the highlighted information constitutes "core work product" – that being "the mental impressions, conclusions, opinions, or legal theories of" the prosecuting attorneys in the case *State of Michigan v. Ernest David Kirk*, Case No. 152063.

IT IS FURTHER ORDERED that, to the extent the prosecutor's office withdraws the assertion of the attorney work product doctrine to any of the redacted information, it shall supplement its response to the subpoena.

IT IS SO ORDERED.

Date: May 11, 2018

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge